



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JUL 16 2014

Mr. Earl Covey
5050 Covey Campground Road
Dublin, VA 24084

RE: Notice of Violation and Information Request, Docket No. SDWA-03-2014-015-VS
Covey's Family Campground No. 2, Dublin, Pulaski County, VA, PWS ID# VA1155129

Dear Mr. Covey:

The following Notice of Violation and Information Request are issued pursuant to Section 1414(a) of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300g-3(a), and are a coordinated effort with the Virginia Department of Health (VDH). According to our records, and information we have received from VDH, your public water system has violated certain provisions of the SDWA, 42 U.S.C. §§ 300f-300j-26, and the National Primary Drinking Water Regulations (NPDWR) found at 40 CFR Part 141.

Notice of Violation

Based on information we have:

1. Mr. Earl Covey ("Respondent") is the owner of a public water system called Covey's Family Campground No. 2 ("System"), public water system identification number VA1155129.
2. The System serves a transient population of 676 persons with piped water for human consumption, for a minimum of six months per year, and has 236 service connections.
3. Respondent is a "person" as defined by Section 1401(12) of the SDWA, 42 U.S.C. § 300f (12) and 40 C.F.R. § 141.2. Respondent's water system is a "public water system" as defined by Section 1401(4) and Section 1401(15) of the SDWA, 42 U.S.C. §§ 300f (4) and 300f (15), and 40 C.F.R. § 141.2.

4. Respondent failed to conduct routine monitoring for nitrates, as required by 40 C.F.R. §141.23, for the annual monitoring periods of 2012 and 2013.
5. Respondent violated 40 C.F.R. §§ 141.204(b) and (c) by failing to post public notice of the above monitoring violations.
6. Respondent failed to submit to VDH representative copies of its public notifications of the above violations, as required by 40 C.F.R. § 141.31(d).

Respondent is required to correct each of the above violations. EPA is available to provide advice and technical assistance to help address these issues.

This Notice of Violation is issued pursuant to Section 1414(a) of the SDWA, 42 U.S.C. § 300g-3(a). After thirty (30) days from the date of this notice, EPA is authorized either to issue an Administrative Order under Section 1414(g) requiring the public water system to comply, or to commence a civil action under Section 1414(b). Violations of the SDWA and National Primary Drinking Water Regulations are subject to penalties of up to \$37,500 per day of violation.

Request for Information

Section 1445(a) of the SDWA, 42 U.S.C. § 300j-4(a), authorizes EPA to require owners and operators of public water systems to provide information as may be necessary to carry out the purposes of the SDWA.

Respondent is required to provide EPA with the following information. This requirement to submit information is mandatory. Compliance with this requirement does not relieve Respondent of any liability for violations of the SDWA. Respondent may be subject to civil and criminal sanctions if it provides misleading or false information or fails to provide the requested information. Information which the Respondent provides may be used by EPA in administrative, civil or criminal proceedings.

You may, if desired, assert a business confidentiality claim covering all or part of the information requested herein in the manner described in 40 CFR Part 2. If no claim of confidentiality accompanies the information requested herein, it may be made available to the public by EPA without further notice to you. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35 (See 5 CFR § 1320.3(c)).

Accordingly, pursuant to Section 1445(a) of the SDWA, Respondent is directed to provide EPA with the following information about the System:

1. Name and street address of the owner or owners of the System. Do not provide a post office box. If a corporation, provide the names, titles, and addresses of officers.
2. Name and street address of the operator or operators of the System (and state certification number, if applicable) if different than above. Do not provide a post office box. If a corporation, provide the names, titles, and addresses of officers.
3. Number of persons served by the System per day on average.
4. Number of service connections to the System.
5. Number of days per year the System operates.
6. A copy of the most recently performed sanitary survey.
7. **Copies of results from all monitoring for nitrates since January 2012.**
8. **Copies of public notices for the monitoring violations.**
9. **A copy of any reports forwarded to the Virginia Department of Health concerning violations, monitoring activities, and public notifications.**

Your response to this Notice of Violation and Request for Information shall be in writing. Your response is due within thirty (30) days of receipt of this Notice of Violation and Request for Information. The instructions for responding to the inquiries are as follows:

- a. A separate narrative response must be made for each question set forth above, and for any subpart of each question.
- b. Label each response with the corresponding number of the question and any subpart to which it responds.

You should submit your response to both of the addresses below:

Mr. Michael Eller
U.S. Environmental Protection Agency
Ground Water and Enforcement Branch (3WP22)
1650 Arch Street
Philadelphia, PA 19103-2029

and

Mr. Richard M. Puckett, P.E.
Field Director
Virginia Department of Health
Abingdon Field Office
454 East Main Street
Abingdon, VA 24210

EPA has determined that your System may be a "small business" under the Small Business Regulatory Enforcement Fairness Act (SBREFA). The enclosed document entitled "Information for Small Businesses" provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, does not create any new rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.

If you have any questions regarding any of the above, please contact Mr. Michael Eller, Ground Water and Enforcement Branch, at (215) 814-5427.

Sincerely,



Karen D. Johnson, Chief
Ground Water and Enforcement Branch

Enclosures

cc: Mr. Richard M. Puckett, P.E., VDH Abingdon Field Office
Mr. Robert A. K. Payne, J.D., VDH Central Office